



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/420,419 10/19/99 RICE

J JJ-10-297US

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PM92/0727

AIR MAIL

EXAMINER

CHEN, J

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/420,419**

Applicant(s)  
**John Rice**

Examiner  
**José V. Chen**

Group Art Unit  
**3636**



☒ Responsive to communication(s) filed on Oct 19, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Note the use of the expression "invention".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourassa et al.

The patent to Bourassa et al teaches an L-shaped structure as claimed including an attachment

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plate(42) providing a means to attach, an anchoring plate (26) extending from the attachment plate, the attachment plate being U-shaped, centrally located openings.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al. The patent to Bourassa et al teaches structure substantially as claimed as discussed above including anchoring structures. The provision of such anchoring structures at specific locations would have been a matter of desirability depending upon where strength of attachment is desired which would have been obvious and well within the level of ordinary skill in the art.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al as applied to the claims above, and further in view of "Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Bourassa et al teaches structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view of Bourassa et al. The patent to Tobin et al teaches method of attaching substantially as claimed including a bracket plate having openings for increased concrete flow, the only difference being that the bracket structure is not a specific shape. However, the patent to Bourassa et al teaches the use of such a specific structure used for joint connection. It would have been obvious and well within the level of one having ordinary skill in the art to modify the method of attaching of Tobin et al to include the specific shape, as taught by connecting bracket of Bourassa et al, such structures used in the same intended purpose of providing joint connection, thereby providing structure as claimed.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view of Bourassa et al as applied to the claims above, and further in view of "Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Tobin et al in view of Bourassa et al teaches method of attachment structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Tobin et al in view of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed.

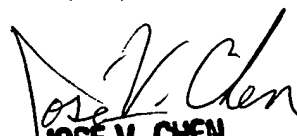
### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Jukes, Press, Boeshart, Worley, Wilhwlmi teaches structure similar to applicant's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (703) 308-2168.

Chen/jvc

July 26, 2000



JOSE V. CHEN  
PRIMARY EXAMINER